

MESSAGE NO: 2154208

MESSAGE DATE: 06/03/2002

MESSAGE STATUS: Active

CATEGORY: Antidumping

TYPE: FNO-Final Det w/Order

PUBLIC ☒

NON-PUBLIC ☐

SUB-TYPE:

FR CITE: FR

FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-570-868

EFFECTIVE DATE:

COURT CASE #:

PERIOD OF REVIEW:

TO

PERIOD COVERED: 05/16/2002 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: AMENDED FINAL DETERMINATION IN THE DUMPING INVESTIGATION OF FOLDING METAL TABLES AND CHAIRS FROM CHINA (A-570-868)

MESSAGE NO: 2154208

DATE: 06 03 2002

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CASES: A - 570 - 868

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PERIOD COVERED: 05 16 2002 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS

PORT DIRECTORS

FROM: DIRECTOR, TRADE ENFORCEMENT & CONTROL

RE: AMENDED FINAL DETERMINATION IN THE DUMPING INVESTIGATION OF FOLDING METAL TABLES AND CHAIRS FROM CHINA (A-570-868)

1. THE DEPARTMENT OF COMMERCE PUBLISHED IN THE FEDERAL REGISTER ON MAY 16, 2002, ITS AMENDED FINAL DETERMINATION OF SALES AT LESS THAN FAIR VALUE IN THE ANTIDUMPING DUTY INVESTIGATION OF FOLDING METAL TABLES AND CHAIRS FROM THE PEOPLE'S REPUBLIC OF CHINA (67 FR 34898).

2. THE MERCHANDISE SUBJECT TO THIS INVESTIGATION CONSISTS OF ASSEMBLED AND UNASSEMBLED FOLDING TABLES AND FOLDING CHAIRS MADE

PRIMARILY OR EXCLUSIVELY FROM STEEL OR OTHER METAL, AS DESCRIBED BELOW:

A. ASSEMBLED AND UNASSEMBLED FOLDING TABLES MADE PRIMARILY OR EXCLUSIVELY FROM STEEL OR OTHER METAL ("FOLDING METAL TABLES"). FOLDING METAL TABLES INCLUDE SQUARE, ROUND, RECTANGULAR, AND ANY OTHER SHAPES WITH LEGS AFFIXED WITH RIVETS, WELDS, OR ANY OTHER TYPE OF FASTENER, AND WHICH ARE MADE MOST COMMONLY, BUT NOT

EXCLUSIVELY, WITH A HARDBOARD TOP COVERED WITH VINYL OR FABRIC. FOLDING METAL TABLES HAVE LEGS THAT MECHANICALLY FOLD INDEPENDENTLY OF ONE ANOTHER, AND NOT AS A SET. THE SUBJECT MERCHANDISE IS COMMONLY, BUT NOT EXCLUSIVELY, PACKED SINGLY, IN MULTIPLE PACKS OF THE SAME ITEM, OR IN FIVE PIECE SETS CONSISTING OF FOUR CHAIRS AND ONE TABLE. SPECIFICALLY EXCLUDED FROM THE SCOPE OF FOLDING METAL TABLES ARE THE FOLLOWING:

LAWN FURNITURE;

TRAYS COMMONLY REFERRED TO AS "TV TRAYS";

SIDE TABLES;

CHILD-SIZED TABLES;

PORTABLE COUNTER SETS CONSISTING OF RECTANGULAR TABLES 36" HIGH AND MATCHING STOOLS; AND

BANQUET TABLES. A BANQUET TABLE IS A RECTANGULAR TABLE WITH A PLASTIC OR LAMINATED WOOD TABLE TOP APPROXIMATELY 28" TO 36" WIDE BY 48" TO 96" LONG AND WITH A SET OF FOLDING LEGS AT EACH END OF THE TABLE. ONE SET OF LEGS IS COMPOSED OF TWO INDIVIDUAL LEGS THAT ARE AFFIXED TOGETHER BY ONE OR MORE CROSS-BRACES USING WELDS OR FASTENING HARDWARE. IN CONTRAST, FOLDING METAL TABLES HAVE LEGS THAT MECHANICALLY FOLD INDEPENDENTLY OF ONE ANOTHER, AND NOT AS A SET.

B. ASSEMBLED AND UNASSEMBLED FOLDING CHAIRS MADE PRIMARILY OR EXCLUSIVELY FROM STEEL OR OTHER METAL ("FOLDING METAL CHAIRS"). FOLDING METAL CHAIRS INCLUDE CHAIRS WITH ONE OR MORE CROSS-BRACES, REGARDLESS OF SHAPE OR SIZE, AFFIXED TO THE FRONT AND/OR REAR LEGS WITH RIVETS, WELDS OR ANY OTHER TYPE OF FASTENER.

FOLDING METAL CHAIRS INCLUDE: THOSE THAT ARE MADE SOLELY OF STEEL OR OTHER METAL; THOSE THAT HAVE A BACK PAD, A SEAT PAD, OR BOTH A BACK PAD AND A SEAT PAD; AND THOSE THAT HAVE SEATS OR BACKS MADE OF PLASTIC OR OTHER MATERIALS. THE SUBJECT MERCHANDISE IS COMMONLY, BUT NOT EXCLUSIVELY, PACKED SINGLY, IN MULTIPLE PACKS OF THE SAME ITEM, OR IN FIVE PIECE SETS CONSISTING OF FOUR CHAIRS AND ONE TABLE. SPECIFICALLY EXCLUDED FROM THE SCOPE OF FOLDING METAL CHAIRS ARE THE FOLLOWING:

FOLDING METAL CHAIRS WITH A WOODEN BACK OR SEAT, OR BOTH;
LAWN FURNITURE;
STOOLS;
CHAIRS WITH ARMS; AND
CHILD-SIZED CHAIRS.

THE SUBJECT MERCHANDISE IS CURRENTLY CLASSIFIABLE UNDER SUBHEADINGS 9401710010, 9401710030, 9401790045, 9401790050, 9403200010 AND 9403200030 OF THE HTSUS. ALTHOUGH THE HTSUS SUBHEADINGS ARE PROVIDED FOR CONVENIENCE AND U.S. CUSTOMS SERVICE PURPOSES, THE DEPARTMENT'S WRITTEN DESCRIPTION OF THE MERCHANDISE IS DISPOSITIVE.

3. FOR FURTHER REPORTING PURPOSES THIS CASE HAS BEEN ASSIGNED INVESTIGATION NUMBER A-570-868.

4. ON APRIL 24, 2002, RESPONDENT FEILI GROUP ALLEGED THAT COMMERCE MADE SEVERAL MINISTERIAL ERRORS IN ITS FINAL DETERMINATION PUBLISHED IN THE FEDERAL REGISTER ON THAT DAY (67 FR 20090). COMMERCE HAS DETERMINED THAT MINISTERIAL ERRORS WERE MADE IN THE CALCULATIONS OF SURROGATE VALUES FOR PACKING CARTONS, SCRAP STEEL, PLASTIC LINKS, AND PLASTIC BAGS. THEREFORE, WE HAVE REVISED THE ANTIDUMPING DUTY MARGINS FOR CERTAIN MANUFACTURERS/EXPORTERS.

5. FOR IMPORTS OF FOLDING METAL TABLES AND CHAIRS FROM THE PEOPLE'S REPUBLIC OF CHINA FROM THE FOLLOWING

MANUFACTURERS/EXPORTERS, THE CUSTOMS SERVICE SHALL CONTINUE TO

SUSPEND LIQUIDATIONS OF SUCH SHIPMENTS ENTERED OR WITHDRAWN FROM

WAREHOUSE, FOR CONSUMPTION ON OR AFTER DECEMBER 3, 2001.

EFFECTIVE MAY 16, 2002, CUSTOMS SHALL REQUIRE FOR ENTRIES A CASH DEPOSIT OR THE POSTING OF A BOND EQUAL TO THE MARGINS SHOWN BELOW:

MFR/PRODUCER	CUSTOMS ID	MARGIN
EXPORTER	NUMBER	PERCENTAGE

FEILI FURNITURE DEVELOPMENT CO., LTD. AND FEILI (FUJIAN) CO., LTD.

A-570-868-001	13.72
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DONGGUAN SHICHANG METALS FACTORY CO. LTD.

A-570-868-002	13.72
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NEW-TEC INTEGRATION CO., LTD.

A-570-868-003	13.72
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6. THE DEPARTMENT OF COMMERCE NOW DETERMINES THAT CRITICAL CIRCUMSTANCES EXIST FOR IMPORTS OF FOLDING METAL TABLES AND CHAIRS FROM THE PEOPLE'S REPUBLIC OF CHINA FROM THE PRC-WIDE ENTITY. THE CUSTOMS SERVICE SHALL SUSPEND LIQUIDATION OF SUCH SHIPMENTS THAT ARE ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER SEPTEMBER 4, 2001, WHICH IS 90 DAYS PRIOR TO THE DATE OF PUBLICATION OF THE PRELIMINARY DETERMINATION IN THE FEDERAL REGISTER. EFFECTIVE MAY 16, 2002, FOR SUCH ENTRIES, CUSTOMS SHALL REQUIRE A CASH DEPOSIT OR THE POSTING OF A BOND EQUAL TO THE MARGIN SHOWN BELOW:

MFR/PRODUCER	CUSTOMS ID	MARGIN
EXPORTER	NUMBER	PERCENTAGE

PRC-WIDE ENTITY	A-570-868-000	70.71
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7. THE DEPARTMENT OF COMMERCE FOUND THAT NO MARGIN EXISTS WITH RESPECT TO FOLDING METAL TABLES AND CHAIRS MANUFACTURED BY SHIN CREST PTE. LTD. ACCORDINGLY, CUSTOMS IS DIRECTED NOT TO SUSPEND LIQUIDATION OF SHIPMENTS OF FOLDING METAL TABLES AND CHAIRS

MANUFACTURED BY SHIN CREST PTE. LTD. ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER DECEMBER 3, 2001.

8. IN ACCORDANCE WITH THE LONGSTANDING POLICY OF THE 1985 TREASURY DECISION AND MEMORANDUM OF AGREEMENT (MOA) BETWEEN COMMERCE AND CUSTOMS, T.D. 85-145, AT THE DISCRETION OF THE CUSTOMS SERVICE, CUSTOMS OFFICERS MAY ACCEPT EITHER A SINGLE-ENTRY BASIC IMPORTATION AND ENTRY BOND OR A CONTINUOUS BASIC IMPORTATION AND ENTRY BOND ONLY IF THE AMOUNT OF THE ESTIMATED ANTIDUMPING DUTY IS LESS THAN FIVE PERCENT AD VALOREM (OR THE EQUIVALENT). OTHERWISE, WHERE THE IMPORTER HAS THE OPTION TO POST A BOND FOR ESTIMATED ANTIDUMPING DUTIES, CUSTOMS OFFICERS MUST REQUIRE A SINGLE-ENTRY BASIC IMPORTATION AND ENTRY BOND PURSUANT TO T.D. 85-145. AS HAS BEEN THE CASE SINCE THE MOA AND TREASURY DECISION, YOU ARE INSTRUCTED TO ADHERE TO THE REQUIREMENTS OF T.D. 85-145 WITH RESPECT TO THESE BONDING REQUIREMENTS.

9. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, PLEASE CONTACT VIA E-MAIL, THROUGH THE APPROPRIATE SUPERVISORY CHANNELS, OTHER GOVERNMENT AGENCY LIAISON, USING THE ATTRIBUTE "HQ OAB." THE IMPORTING PUBLIC AND OTHER INTERESTED PARTIES SHOULD CONTACT HELEN KRAMER OR JOHN DRURY, OFFICE OF AD/CVD ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0405 OR (202) 482-0195, RESPECTIVELY.

10. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

PAUL SCHWARTZ

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party